

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Offered February 27, 2007.

Senate Substitute No. 2 adopted, February 27, 2007.

Taken up for Perfection February 27, 2007. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0039S.05P

AN ACT

To repeal sections 226.527 and 226.531, RSMo, and to enact in lieu thereof two new sections relating to the regulation of billboards, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 226.527 and 226.531, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 226.527 and 226.531, to read as follows:

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.

2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 226.570.

17 3. In the event any portion of this chapter is found in noncompliance with
18 Title 23, United States Code, section 131, by the Secretary of Transportation or
19 his representative, and any portion of federal-aid highway funds or funds
20 authorized for removal of outdoor advertising are withheld, or declared forfeited
21 by the Secretary of Transportation or his representative, all removal of outdoor
22 advertising by the Missouri state highways and transportation commission
23 pursuant to this chapter shall cease, and shall not be resumed until such funds
24 are restored in full. Such cessation of removal shall not be construed to affect
25 compensation for outdoor advertising removed or in the process of removal
26 pursuant to this chapter.

27 4. In addition to any applicable regulations set forth in sections 226.500
28 through 226.600, signs within an area subject to control by a local zoning
29 authority and wherever located within such area shall be subject to reasonable
30 regulations of that local zoning authority relative to size, lighting, spacing, and
31 location; provided, however, that no local zoning authority shall have authority
32 to require any sign within its jurisdiction which was lawfully erected and which
33 is maintained in good repair to be removed without the payment of just
34 compensation.

35 **5. When a legally erected billboard exists on a parcel of property,**
36 **a local zoning authority shall not adopt or enforce any ordinance,**
37 **order, rule, regulation or practice that eliminates the ability of a**
38 **property owner to build or develop property or erect an on-premise**
39 **sign solely because a legally erected billboard exists on the property.**

226.531. 1. As used in this section the following terms mean:

2 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment
3 in which persons appear in a state of nudity, as defined in section 573.500, RSMo,
4 or seminudity, in the performance of their duties;

5 (2) "Seminudity", a state of dress in which opaque clothing fails to cover
6 the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of
7 the female breast below a horizontal line across the top of the areola at its
8 highest point. Seminudity shall include the entire lower portion of the female
9 breast, but shall not include any portion of the cleavage of the human female
10 breast exhibited by wearing apparel provided the areola is not exposed in whole
11 or part;

12 (3) "Sexually oriented business", any business which offers its patrons

13 goods of which a substantial **or significant** portion are sexually oriented
14 materials[. Any business where more than ten percent of display space is used
15 for sexually oriented materials shall be presumed to be a sexually oriented
16 business];

17 (4) "Sexually oriented materials", any textual, pictorial, or three-
18 dimensional material that depicts nudity, sexual conduct, sexual excitement, or
19 sadomasochistic abuse in a way which is patently offensive to the average person
20 applying contemporary adult community standards with respect to what is
21 suitable for minors.

22 2. No billboard or other exterior advertising sign for an adult cabaret or
23 sexually oriented business shall be located within one mile of any state highway
24 **if such billboard or sign displays any picture, photograph, image, or**
25 **words describing, advertising, or discussing any material, product,**
26 **performance, or other aspect that causes the business to be classified**
27 **as an adult cabaret or sexually oriented business**, except if such business
28 is located within one mile of a state highway then the business may display a
29 maximum of two exterior signs on the premises of the business[, consisting]. **The**
30 **exterior signs shall consist** of one identification sign and one sign solely
31 giving notice that the premises are off limits to minors. The identification sign
32 shall be no more than forty square feet in size and shall **not** include [no more
33 than the following information: name, street address, telephone number, and
34 operating hours of the business] **any picture, photograph, image, or words**
35 **describing, advertising, or discussing any material, product,**
36 **performance, or other aspect that causes the business to be classified**
37 **as an adult cabaret or sexually oriented business. No adult cabaret or**
38 **sexually oriented business shall have more than two billboards or other**
39 **exterior advertising signs that are not located on its own premises.**

40 3. Signs existing on August 28, [2004] **2007**, which [did] **do** not conform
41 to the requirements of this section, may be allowed to continue as a
42 nonconforming use, but should be made to conform within [three] **two** years from
43 August 28, [2004] **2007**.

44 4. Any owner of such a business who violates the provisions of this section
45 shall be guilty of a class C misdemeanor. Each week a violation of this section
46 continues to exist shall constitute a separate offense.

47 5. This section is designed to protect the following public policy interests
48 of this state, including but not limited to: to mitigate the adverse secondary

49 effects of sexually oriented businesses, to improve traffic safety, to limit harm to
50 minors, and to reduce prostitution, crime, juvenile delinquency, deterioration in
51 property values, and lethargy in neighborhood improvement efforts.

Section B. If any provision of this act or the application thereof to anyone
2 or to any circumstance is held invalid, the remainder of those sections and the
3 application of such provisions to others or other circumstances shall not be
4 affected thereby.

✓
Unofficial

Bill

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